

February 16, 2007

Mervin G. Gunderson  
Commander  
The American Legion  
Department of Montana  
407 Helen Drive  
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Re:

Testimony on SB 15 – “An act prohibiting the picketing of funerals under certain circumstances: providing penalties; and providing an immediate effective date and an applicability date.”

Over the past year I have attended several funerals for Montana soldiers who were killed while serving their nation during the Iraqi war. Some of the funerals were overshadowed by the threat of protests. In particular, the Westboro Baptist Church of Topeka, Kansas has sent news media outlets information that they would be protesting funerals of soldiers. Although the controversy sells newspapers gains media attention, the end result directly affects the family of the veteran, veteran organizations, the military funeral honors, local law enforcement, the local community, and the public in general. The tactic of the Westboro Baptist Church is always the same. They want to create intimidation, discredit the soldier, create anxiety and animosity with the soldier's family and friends, discredit the military and dishonor the military service of the soldier. The American Legion strongly rejects that behavior. Therefore, The American Legion department of Montana stands in support of SB 15.

Military service is an honorable profession. Those of us who have served and those who are currently serving do so to protect this great nation from our enemies. When a soldier falls it is incumbent on all Americans to pay honor to that individual and show respect for the soldier's family. To allow any organization or individual the opportunity to create hatred and dissention at a funeral of a fallen soldier is despicable.

At recent protests across the country the Westboro Baptist Church has denigrated military funeral ritual in their misguided attempt to blame the soldier's death on God's retribution for homosexuality in our country. As such funeral goers have been subjected to verbal assaults and taunts. Funeral goers have to endure signs with slogans such as: “America is Doomed”, “Thank God for 911”, “Thank God for Dead Soldiers”, “Thank God for IED's” and others. All are designed to personally attack and demean the dead soldier and those attending the funeral. The ultimate goal of the protesters is to incite those who attend in hopes of creating confrontations.

It has been said that the military fights so that others may have the right to protest; a right guaranteed by the first amendment. When entered the armed forces I raised my right hand and swore to defend the Constitution of The United States. I did so freely, with determination, dedication and with a realization that there were those who did not hold the same values as I. As someone who has sworn to uphold the constitution through military service and public service through my career as a law enforcement officer I certainly understand the significance of our constitution and its amendments. However, I do not agree that freedom of speech allows any person to go beyond the bounds of civility nor does it allow individuals to make blasphemous statements, libel innocent individuals or incite others to such a degree that physical violence may result.

The funeral of a soldier is extremely hard on all who attend. The loss of a son, daughter, mother, father, brother, sister, neighbor or friend who was serving their country is not taken lightly by the general public in Montana. It is certainly not taken lightly by The American Legion. To allow a protest in close proximity to the funeral is loathsome. At a time when the country and those closest to the soldier are anguishing, we as a populace need to be supportive of the family and give our utmost assistance; not allow protestors the opportunity to increase anxiety, inflict more pain, and intensify suffering on all who attend the funeral to honor the deceased soldier.

Therefore, I strongly urge passage of SB 15 out of committee with a recommendation that the legislation be adopted.

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